

REMARKS

I. Formal Matters.

Claims 1-8 are currently pending in this application. As an initial matter, Applicant thanks the Examiner for accepting the drawings as filed on September 8, 2003. In addition, Applicant appreciates the Examiner's acknowledgment of Applicant's claim to foreign priority under 35 U.S.C. §119 and confirmation of receipt of Applicant's Japanese priority document.

II. Claims.

The Examiner rejects claims 1-8 as allegedly being anticipated by *Xydis* (U.S. Patent No. 6,070,240) under 35 U.S.C. §102(b). Applicant respectfully traverses this rejection.

Claim 1. The Examiner asserts that *Xydis* discloses a terminal associated device for requesting a connection to said key device through the short range communications (OA page 2; Examiner *citing* col. 2, lines 60-65 and *citing* reference number (29)). *Xydis* discloses a comparator (29) (col. 3, lines 35-36; FIG. 2). Said comparator is *for comparing* the first authorized user code to the database (col. 3, lines 35-36).

In contrast, claim 1 requires, "...a terminal-associated device for requesting a connection to said key device through the short-range communications...". One ordinarily skilled in the art would readily recognize the difference between a requesting a connection and comparing an authorized code to a database.

Similarly, at col. 2, lines 60-65, *Xydis* discloses a transceiver (20) which scans the operating space by radio frequency transmission for the presence of an authorized user code. *Scanning the operating space* for the presence of a signal is readily recognized by one of ordinary skill in the art as distinguishable from *requesting a connection*.

Xydis discloses alternate methods of transceiver (20) use (col. 2, line 60 - col. 3, line 35). In one embodiment, *Xydis* discloses sending a signal comprising a wake up signal to a transponder (22). The wake up signal *activates circuitry* in transponder (22). *Xydis* fails to teach a terminal-associated device for *requesting a connection* to said key device. In a second method, transponder (22) periodically transmits an radio frequency signal and transceiver (20) merely looks for the signal. One ordinarily skill in the art would readily recognize the difference between *scanning an airspace* for a signal and *requesting a connection* to a key device.

Xydis discloses comparing an authorization code to a database, scanning an airspace, and sending an activation signal. In contrast, claim 1 requires, "...a terminal-associated device for requesting a connection to said key device through the short-range communications...". At least for failing to disclose a terminal-associated device for requesting a connection to said key device through the short-range communications, the rejection of claim 1 as being anticipated by *Xydis* under 35 U.S.C. §102(b) should be withdrawn.

Claim 5 contains subject matter analogous to that discussed above in the traversal of the rejection of claim 1. An analogous argument is hereby asserted traversing the rejection of claim 5. Therein the withdrawal of the rejection of claim 5 is deemed proper.

Claims 2-4 and 6-8 are asserted as being allowable at least for depending upon an allowable claim.

In view of the preceding remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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